

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FRIENDS OF THE WILD SWAN, a non-profit organization, <i>et al.</i> ,)	13-CV-66-M-DLC
)	
)	
Plaintiffs,)	JOINT MOTION
vs.)	TO STAY
)	PROCEEDINGS
DAN VERMILLION, in his official capacity as Chairman of the Montana Fish, Wildlife and Parks Commission <i>et al.</i> ,)	
)	
State-Defendants,)	
)	
MONTANA TRAPPERS ASSOCIATION, et al.)	
Defendant-Intervenors.)	
)	
)	

Plaintiffs and State-Defendants (the Parties), by and through undersigned counsel, hereby submit this joint motion to stay all proceedings and deadlines in this matter, including the January 4, 2016 deadline for Plaintiffs' motion for attorneys' fees and costs (Doc. 81), pending the issuance of a final mandate from the U.S. Court of Appeals for the Ninth Circuit resolving Defendant-Intervenors' (the trappers') appeal (Doc. 82). In support of this joint motion, the Parties state as follows:

1. On September 30, 2015, this Court issued an order approving the Parties'

joint motion to extend the time for filing a motion for attorneys' fees and costs in this matter in order to accommodate settlement negotiations. *See* Doc. 81. Pursuant to the order, Plaintiffs have until January 4, 2016 to file a motion for attorneys' fees and costs in this matter. *Id.*

2. On October 21, 2015, the trappers appealed this Court's September 22, 2015 order (Doc. 79) granting Plaintiffs' motion to dismiss pursuant to the stipulated agreement to the U.S. Court of Appeals for the Ninth Circuit. *See* Doc. 82. The trappers' appeal likely renders Plaintiffs' motion for attorneys' fees and costs (and any negotiations regarding attorneys' fees and costs) premature. Staying these proceedings pending resolution of the trappers' appeal is therefore appropriate.

3. Counsel for Plaintiffs emailed counsel for the trappers regarding this joint motion on November 2, 2015 but was unable to get a response to their position.

WHEREFORE, the Parties respectfully request this Court issue an order staying all proceedings and deadlines in this matter pending the issuance of a final mandate from the Ninth Circuit resolving the trappers' appeal.

Respectfully submitted this 4th day of November, 2015.

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CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of November, 2015, I filed a copy of this document electronically through the CM/ECF system, which caused all counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

/s/ Matthew K. Bishop

Matthew K. Bishop